

**Appl. No.** : **10/813,915**  
**Filed** : **March 31, 2004**

## **REMARKS**

The June 13, 2006 Office Action was based upon pending Claims 1-29. This Amendment amends Claims 1, 4, 5, 7-10, 12, 13 and 22 as indicated above and cancels Claims 14-21 and 30-36. Thus, after entry of this Amendment, Claims 1-13 and Claims 22-29 are pending and presented for further consideration.

### **Claim Rejections**

The Office Action rejected Claims 1, 2 and 4 under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2003/0216988 to Mollett, et al. ("the Mollett Publication").

Furthermore, the Office Action rejected Claims 3 and 5 – 29 under 35 U.S.C. §103(a) as being unpatentable over the Mollett Publication in view of U.S. Patent No. 6,578,760 to Otto ("the Otto Patent").

### **Rejection of Claims 1, 2 and 4 under 35 U.S.C. §102(e)**

The Office Action rejected Claims 1, 2 and 4 under 35 U.S.C. §102(e) as being anticipated by the Mollett Publication.

#### **Independent Claim 1**

Applicant has amended Claim 1 to be directed to determining suspicious activity associated with the one or more previous financial transactions by identifying one or more validation errors in the transaction information. Furthermore, Claim 1 is directed to determining suspicious activity associated with a current financial transaction by identifying one or more validation errors in the transaction information associated with the current financial transaction.

#### **Validation Errors in both a Previous Transaction and a Current Transaction**

Claim 1 calculates a suspicious activity score based on validation errors in the transaction information. Furthermore, the transaction information is different than the customer identification information.

For example, the method of Claim 1 calculates a suspicious activity score for the customer wherein the suspicious activity score is based at least in part on the validation

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errors associated with the one or more previous financial transactions performed by the customer. Furthermore, the method of Claim 1 modifies the suspicious activity score based at least in part on validation errors in the transaction information associated with the current financial transaction.

The Mollett Publication does not describe using validation errors in both a prior transaction and a current transaction to determine a suspicious activity score. Indeed, none of the cited references appear to teach the concept of determining a suspicious activity score associated with validation errors from multiple financial transactions. Furthermore, none of the cited references appear to store a suspicious activity score that represents validation errors in prior transactions so that the suspicious activity of a current transaction can be determined.

#### **Validation Errors in the Transaction Information**

Claim 1 calculates a suspicious activity score based on validation errors in the transaction information.

For example, the method of Claim 1 acquires customer identification information from at least one customer and acquires transaction information associated with one or more previous financial transactions wherein the transaction information is different than the customer identification information.

The method of Claim 1 then identifies one or more validation errors in the transaction information for one or more previous transactions. Thus, the validation errors in Claim 1 are associated with the transaction information which is different than the customer identification information.

The Office Action states that the Mollett Publication describes validating a person's provided phone number. The Office Action also indicates that the phone number identifies the customer and thus, is not part of the transaction information. Thus, the Mollett Publication does not appear to describe a system that identifies validation errors in the transaction information. Furthermore, none of the other cited references appear to calculate a suspicious activity score that represents validation errors in the transaction information.

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Applicant therefore respectfully submits that Claim 1 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 1.

Dependent Claims 2 and 4

Claims 2 and 4, which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

**Rejection of Claims 3 and 5 – 29 under 35 U.S.C. §103(a)**

The Office Action rejected Claims 3 and 5-29 under 35 U.S.C. §103(a) as being unpatentable over the Mollett Publication in view of the Otto Patent.

Dependent Claims 3 and 5-13

As discussed above, neither the Mollett Publication nor the Otto Patent either alone, or in combination, teach the features set forth in Claim 1. Claims 3 and 5-13 which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Independent Claim 22

Although Claim 22 has different language than Claim 1, Claim 22 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Dependent Claims 23 – 29

Claims 23 – 29 which depend from Claim 22, are believed to be patentable for the same reasons articulated above with respect to Claim 22, and because of the additional features recited therein.

**Request For Telephone Interview**

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned agent of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the

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effect of the arguments presented above. Applicant's agent can be reached at (949) 721-2988 or at the number listed below.

### Conclusion

Although amendments and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Furthermore, any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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